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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,496	08/18/2005	Yoram Meidan	3223-005	8535
22429	7590	08/16/2006	EXAMINER	
LOWE HAUPTMAN BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			HARTMANN, GARY S	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/507,496

Applicant(s)

MEIDAN, YORAM

Examiner

Gary Hartmann

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11, 14 and 18-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12, 13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9-13-4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant has elected without traverse; however, there are also arguments directed toward the restriction requirement. It is not clear if these arguments are intended to be a traversal, but have been treated as such.

The restriction requirement included an error which stated that no claim was generic. The examiner agrees that claim 1 is generic. Regarding the species restriction, this was presented as an efficient mode of detailing how the inventions lacked the same technical feature. As the invention is primarily directed to interconnections, the examiner maintains that using a tube having a cap is patentably distinct from a leaf spring, a compression spring, etc; i.e., these are not deemed to be simple variants of one another in this instance. Because these all have different technical features; therefore, the restriction requirement has been made.

In reviewing applicant's statement regarding which claims read on the elected invention, it is not clear how claims 10 and 11 read on the elected invention. These claims have been withdrawn pending explanation. On the other hand, withdrawn claims 12-14 and 17 have been considered, as consideration thereof posed little additional burden on the examiner.

Specification

The abstract of the disclosure is objected to because the first sentence is a run-on type sentence and it contains legal phraseology (i.e., "means"). Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 3 is objected to because of the following informalities: "constitute" should be --constitutes-- in order to agree with the singular noun. Appropriate correction is required.

Claim 16 is objected to because it appears to be worded as a product by process limitation. This recitation is improper because it presents a claim which does not further limit the parent claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Prosenz (U.S. Patent 4,376,594).

Prosenz discloses the prismatic barrier arrangement having coupled complementary surfaces of two vertical and one horizontal surface (Figure 5). The recitations from column 5, line 67 to column 6, line 4, for example, meet the recitation of the energy absorbing material.

The elements are generally trapezoidal in shape (Figure 8, for example).

The coupling structure is a road interconnecting two elements and traversing the horizontal surfaces (Figure 5, for example).

Because it is the material of the barriers which absorb the energy, limitations of claims 4 and 15 are met.

Regarding claim 13, the lower portion has at least a circumference and a terminal end; thereby meeting the recitation of "multi-sided."

Regarding claim 16, as discussed above, the energy absorbing material is the barrier. Because Prosenz teaches the barriers to be molded, this meets the step of being introduced. There is no patentable distinction between the recess in the lower segment shown in Figure 5 and a groove.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prosenz, as applied above.

Regarding claim 5, the examiner takes official notice that it is known to make roadway barriers of at least rubber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used rubber as the material of construction of Prosenz in order to suit a particular application, such as a go-kart track, for example.

Regarding claim 6, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have lined the bore with a cup in order to strengthen the structure.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prosenz as applied above, and further in view of Tagg (U.S. Patent 6,837,647).

The rod of Prosenz appears to be solid. Tagg discloses optionally interconnecting barriers with a tubular pin (Figure 7a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the pin of Tagg with the barrier of Prosenz in order to obtain a more secure connection, as taught by Tagg.

The pin of Tagg has integral anchor members (43).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prosenz as applied above, and further in view of Lembo (5,865,665).

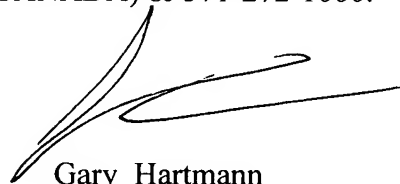
Prosenz does not teach a spring. Lembo discloses a compression spring and pin combination for securing adjacent barrier sections together (Figure 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the connection of Lembo with the barrier of Prosenz in order to obtain a more secure connection. This combination meets the recitation of a spring embedded in the energy-absorbing material.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 571-272-6989. The examiner can normally be reached on Tuesday through Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Gary Hartmann', with a stylized flourish extending to the right.

Gary Hartmann
Primary Examiner
Art Unit 3671

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